

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
Tribal Court Room
7500 Odawa Circle Harbor Springs, MI 49740
May 17, 2009

Closed Session: none

Call to Order: Meeting was called to order at: 9:32 a.m.

Opening Ceremony: Beatrice A. Law

Council Present: Legislative Leader Beatrice A. Law, Secretary Regina Gasco Bentley, Treasurer Gerald Chingwa, Councilor Dexter McNamara, Councilor Alice Yellowbank, Councilor Melvin L. Kiogima, Councilor Fred Harrington, Jr., Councilor Marvin Mulholland

Absent: none

Legislative Office Staff Present: Legislative Services Attorney Donna Budnick, Office Manager Michele LaCount

Executive Officials and Staff Present: Tribal Chairman Frank Ettawageshik

Judicial Officials Present: none

Guests: Ken Harrington, Renee' Dillard, Fred Kiogima, Kathy Shomin

Motion made by Councilor Kiogima and supported by Secretary Gasco Bentley to adopt the agenda for May 17, 2009 with additions.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

Motion made by Councilor Yellowbank and supported by Treasurer Chingwa to approve the minutes of May 3, 2009 with corrections.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

Motion made by Treasurer Chingwa and supported by Secretary Gasco Bentley to ratify into the record the Phone Poll dated May 8, 2009 to approve "Next Step" outlined in confidential memo 050809-01 submitted to Tribal Council from Legislative Services Attorney Donna L. Budnick dated May 8, 2009 to meet immediate deadlines. The phone poll passed with 8-yes, 1-no, 0-abstained, 0-absent.

Vote: 8 - Yes, 1 - No (Councilor Mulholland), 0 - Abstained, 0 - Absent

Motion carried.

Motion made by Treasurer Chingwa and supported by Councilor Yellowbank to ratify into the record the Phone Poll dated May 13, 2009 to approve the confidential letter of engagement with the expressed limited sovereign immunity waiver clause to meet an immediate deadline. The phone poll passed 7-yes, 1-no, 0-abstained, 1-absent.

Vote: 8 - Yes, 1 – No (Councilor Mulholland), 0 - Abstained, 0 - Absent

Motion carried.

Motion made by Treasurer Chingwa and supported by Councilor Kiogima to approve budget modification 2000-01-02 reinstating \$8,032 of the original \$62,260 budget reductions and budget modification 1101-0-02 reinstating \$9,627 of the original \$57,520 budget reductions, in accordance with the Tribal Council budget reduction savings plan.

Motion is on hold in consideration recess.

10:39 a.m. Recess called.

10:49 a.m. Meeting resumed.

Motion resumes.

Vote: 8 - Yes, 1 – No (Secretary Gasco Bentley), 0 - Abstained, 0 - Absent

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Treasurer Chingwa to accept Legislative Leader Law's verbal and written report for May 17, 2009.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

Motion made by Treasurer Chingwa and supported by Councilor Mulholland to adopt Tribal Resolution Approval of Lease with Berg Property for Natural Resources Hunting and Gather and appropriate \$8,000 from Prior Period Funds.

Roll Call Vote: Councilor Harrington, Jr. -yes, Councilor Kiogima-yes, Councilor McNamara-yes, Councilor Mulholland-yes, Councilor Shananaquet-no, Councilor Yellowbank-yes, Treasurer Chingwa-yes, Secretary Gasco Bentley-yes, Legislative Leader Law-yes

Motion carried.

Motion made by Councilor Mulholland and supported by Secretary Gasco Bentley to accept Treasurer Chingwa's Treasurer/Appropriations and Finance Committee verbal report for May 17, 2009.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

Motion made by Councilor McNamara and supported by Treasurer Chingwa to accept the Land and Reservation Committee Chairperson Kiogima's verbal and written report with confidential items contained therein.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

Motion made by Councilor Kiogima and supported by Councilor McNamara to accept Councilor Shananaquet's verbal Tribal Council member report for May 17, 2009.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

11:45 a.m. Public comment opened: Fred Kiogima spoke regarding the Victories Casino site responsibility. Ken Harrington spoke regarding the Victories Casino site also. Michele LaCount spoke regarding Berg Lease resource. Renée' Dillard spoke regarding the Berg Lease also.

12:02 p.m. Public Comment closed.

12:02 p.m. Lunch recess.

1:31 p.m. Meeting resumed, Councilor Harrington, Jr., absent.

Motion made by Councilor McNamara and supported by Councilor Shananaquet to accept Councilor Yellowbank verbal Tribal Council member report for May 17, 2009.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Harrington, Jr.)

Motion carried.

Motion made by Councilor McNamara and supported by Councilor Kiogima to accept the Legislative Services Attorney Budnick's verbal and written report for May 17, 2009 with confidential items contained therein.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Harrington, Jr.)

Motion carried.

Motion made by Councilor Kiogima and supported by Councilor Yellowbank to authorize and request the Tribal Chairman through his administrative oversight, to the extent necessary, and provide an internal due diligence on Property #29 to Tribal Council as soon as possible but no later than July 24, 2009.

Vote: 5 - Yes, 3 – No (Treasurer Chingwa, Councilor Shananaquet, Legislative Leader Law), 0 - Abstained, 1 – Absent (Councilor Harrington, Jr.)

Motion carried.

3:00 p.m. Public Comment opened: Kathy Shomin spoke regarding Casino surveillance. Ken Harrington spoke regarding Per Cap and the next Housing Commission meeting at 3: 00 p.m. tomorrow.

3:18 p.m. Public Comment closed.

Motion made by Councilor Mulholland and supported by Councilor McNamara to accept the Tribal Chairman verbal and written report with confidential items contained therein.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Harrington, Jr.)

Motion carried.

3:19 p.m. Recess called.

3:33 p.m. Meeting reconvened.

Motion made by Secretary Gasco Bentley and supported by Councilor Shananaquet to adopt Tribal Resolution Request for funding from the Area Agency on Aging of Northwest Michigan (AAANM), Michigan Office of Services to the Aging (OSA) FY 2010-2012 Multi-Year Aging Services Contract, Little Traverse Bay Bands of Odawa Indians Elders' Program.

Roll Call Vote: Councilor Harrington, Jr. -absent, Councilor Kiogima-yes, Councilor McNamara-yes, Councilor Mulholland-yes, Councilor Shananaquet-yes, Councilor Yellowbank-yes, Treasurer Chingwa-yes, Secretary Gasco Bentley-yes, Legislative Leader Law-yes

Motion carried.

Motion made by Councilor Yellowbank and supported by Councilor Shananaquet to adopt Tribal Resolution to Request for Funding from the U.S. Department of Energy National Energy Technology Laboratory Recovery Act – Energy Efficiency and Conservation Block Grants Little Traverse Bay Bands of Odawa Indians FY 2009 Energy Efficiency and Conservation Project.

Roll Call Vote: Councilor Harrington, Jr. -absent, Councilor Kiogima-yes, Councilor McNamara-yes, Councilor Mulholland-yes, Councilor Shananaquet-yes, Councilor Yellowbank-yes, Treasurer Chingwa-yes, Secretary Gasco Bentley-yes, Legislative Leader Law-yes

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Treasurer Chingwa to adopt Tribal Resolution Request for funding from U.S. Department of Health and Human Services, Administration for Children and Families, Funding for Tribes under Title IV-E of the Fostering Connections to Success and Increasing Adoption Act, Little Traverse Bay Bands of Odawa Indians FY 2009 Title IV-E Plan Development Grants.

Roll Call Vote: Councilor Harrington, Jr. -absent, Councilor Kiogima-yes, Councilor McNamara-yes, Councilor Mulholland-yes, Councilor Shananaquet-yes, Councilor Yellowbank—yes, Treasurer Chingwa-yes, Secretary Gasco Bentley-yes, Legislative Leader Law-yes

Motion carried.

Motion made by Treasurer Chingwa and supported by Councilor Kiogima to adopt Tribal Resolution to Request for Funding from the Michigan Department of Community Health, Office of Drug Control Policy (ODCP), FY 2010 Governor's Discretionary Grant, Little Traverse Bay Bands of Odawa Indians FY 2010 Safe Communities Program.

Roll Call Vote: Councilor Harrington, Jr. -absent, Councilor Kiogima-yes, Councilor McNamara-yes, Councilor Mulholland-yes, Councilor Shananaquet-yes, Councilor Yellowbank-yes, Treasurer Chingwa-yes, Secretary Gasco Bentley-yes, Legislative Leader Law-yes

Motion carried.

Motion made by Councilor Yellowbank and supported by Treasurer Chingwa to adopt Tribal Resolution to Request for Funding from the U.S. Environmental

Protection Agency, FY 09 Region 5 Wetland Program Development Grants, Little Traverse Bay Bands of Odawa Indians, Wetland Program Development.

Roll Call Vote: Councilor Harrington, Jr. -absent, Councilor Kiogima-yes, Councilor McNamara-yes, Councilor Mulholland-yes, Councilor Shananaquet-yes, Councilor Yellowbank-yes, Treasurer Chingwa-yes, Secretary Gasco Bentley-yes, Legislative Leader Law-yes

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Treasurer Chingwa to adopt Tribal Resolution Request for Funding from the U.S. Department of Housing and Urban Development Rural Housing and Economic Development Program Little Traverse Bay Bands of Odawa Indians Innovative Housing and Economic Development.

Roll Call Vote: Councilor Harrington, Jr. -absent, Councilor Kiogima-yes, Councilor McNamara-yes, Councilor Mulholland-yes, Councilor Shananaquet-yes, Councilor Yellowbank-yes, Treasurer Chingwa-yes, Secretary Gasco Bentley-yes, Legislative Leader Law-yes

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Kiogima to approve Enrollment list A- Eligible for Citizenship dated April 16, 2009 for a total of 12.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Harrington, Jr.)

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Kiogima to approve Enrollment List B- Declination (Ineligible) dated April 16, 2009 for a total of 3.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Harrington, Jr.)

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Treasurer Chingwa to accept Enrollment List C- Voluntary Relinquishment dated April 16, 2009 for a total of 3.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Harrington, Jr.)

Motion carried.

Motion made by Secretary Gasco Bentley and supported by to adopt Tribal Resolution Limited Sovereign Immunity Waivers in Odawa Casino Resort Contracts.

Roll Call Vote: Councilor Harrington, Jr. -absent, Councilor Kiogima-yes, Councilor McNamara-yes, Councilor Mulholland-yes, Councilor Shananaquet-no, Councilor Yellowbank-yes, Treasurer Chingwa-yes, Secretary Gasco Bentley-yes, Legislative Leader Law-yes

Motion carried.

Motion made by Councilor Mulholland and supported by Secretary Gasco Bentley to pass Amendment to Waganakising Odawak Statute 2006-004 Tribal Elections and Election Board Statute.

Roll Call Vote: Councilor Harrington, Jr. -absent, Councilor Kiogima-yes, Councilor McNamara-yes, Councilor Mulholland-yes, Councilor Shananaquet-no, Councilor Yellowbank-yes, Treasurer Chingwa-yes, Secretary Gasco Bentley-yes, Legislative Leader Law-yes

Motion carried.

5:07 p.m. Motion made by Treasurer Chingwa and supported by Councilor Shananaquet to adjourn.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Harrington, Jr.)

Motion carried.

These Minutes have been read and approved as corrected:

Regina Gasco Bentley, Tribal Council Secretary

Date